

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Bothwell Garth, 430' NE  
of Shoreham Court  
(12 Bothwell Garth)  
11th Election District  
5th Councilmanic District  
James and Betsy Rojahn  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-401-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a window to property line setback of 8 feet in lieu of the required 15 feet, and to amend the 3rd Amended Partial Development Plan of White Marsh, Section 1, Phases 1 and 2, Sheet 1 of 2, Lot #16, Block A, to permit construction outside of the building envelope, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by James Rojahn, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 12 Bothwell Garth, is zoned D.R.16. The property is part of a subdivision known as Nottingham Village, which is part of and subject to the 3rd Amended Partial Development Plan of White Marsh, Section 1. The Petitioners have resided on the property in a single family dwelling since 1979. Mr. Rojahn testified that additional living space is needed for his growing family. Due to the topography of the land, trees, and the location of an existing in-ground swimming pool, the proposed addition must be placed outside the building envelope and as a result, will not meet setback requirements. Mr. Rojahn testified that he discussed the matter with the adjoining neighbors and that they do not oppose his request.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the

variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1988 that a window to property line setback of 8 feet in lieu of the required 15 feet, and to amend the 3rd Amended Partial Development Plan of White Marsh, Section 1, Phases 1 and 2, Sheet 1 of 2, Lot #16, Block A, to permit construction outside of the building envelope, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

FEB 26 1988

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
Case number: 88-401-A  
NE/S Bothwell Garth, 430' NE Shoreham Court  
(12 Bothwell Garth)  
11th Election District - 5th Councilmanic District  
Petitioner(s): James and Betsy Rojahn  
HEARING SCHEDULED: WEDNESDAY, APRIL 13, 1988 at 2:00 p.m.

Variance to permit a window with a 8 foot setback in lieu of the required 15 feet and also amend the 3rd amended partial development plan of White Marsh section 1, phase 1 & 2, sheet 1 of 2, lot #16, block A, to permit building outside of the permitted building area.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th  
Posted for: Variances  
Petitioner: James & Betsy Rojahn  
Location of property: NE/S Bothwell Garth, 430' NE Shoreham Ct.  
12 Bothwell Garth  
Location of Sign: County Office Building, Room 105, 111 W. Chesapeake Ave.  
On Property of Petitioner  
Remarks: \_\_\_\_\_  
Posted by: [Signature]  
Number of Signs: 1

Mr. & Mrs. James Rojahn  
12 Bothwell Garth  
Perry Hall, Maryland 21236

RE: Petition for Zoning Variance  
NE/S Bothwell Garth, 430' NE of Shoreham Court  
11th Election District; 5th Councilmanic District  
Case No. 88-401-A

Dear Mr. & Mrs. Rojahn:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

cc: People's Counsel  
File

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. March 24, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 24, 1988.

THE JEFFERSONIAN,

[Signature]  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
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Petitioner(s): James and Betsy Rojahn  
HEARING SCHEDULED: WEDNESDAY, APRIL 13, 1988 at 2:00 p.m.

#### CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

442 Eastern Blvd.  
Baltimore, MD 21201

THIS IS TO CERTIFY, that the annexed advertisement of  
POM-454-7 FROM M1822 TO ADVISE PETITION FOR  
ZONING VARIANCE CASE NUMBER 88-401-A  
NE/S BOTHWELL GARTH 430' NE SHOREHAM COURT  
(12 BOTHWELL GARTH) 11th E.D. PETITIONERS  
APRIL 13, 1988 at 2:00 p.m.  
91 lines at \$50.05

was inserted in The Avenue News a weekly newspaper  
published in Baltimore County, Maryland once a week for  
successive weeks) before the 24th day of March, 1988  
that it is to say, the same was inserted in the issues of March 24, 1988

The Avenue Inc.

per publisher  
[Signature]

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.6 (V.B.6.b) C.M.D.P. to permit a window with a 8 foot setback in lieu of the required 15 foot and also to amend the 3rd amended partial development plan of White Marsh section 1, phase 1 & 2, sheet 1 of 2, lot #16, block A, to permit building outside of the permitted building area.

1. To construct an addition on the first and second floor, for additional bedroom and living space.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Telephone for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 47427

DATE 4/1/88 ACCOUNT 21-615  
AMOUNT \$ 35.00  
RECEIVED FROM James B Rojahn  
FOR Payment of Zoning Variance  
VALIDATION OR SIGNATURE OF CASHIER  
NAME, ADDRESS AND PHONE NUMBER OF LEGAL OWNER, CONTRACT PURCHASER OR REPRESENTATIVE TO BE CONTACTED

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

Mr. & Mrs. James Rojahn  
12 Bothwell Garth  
Perry Hall, Maryland 21236

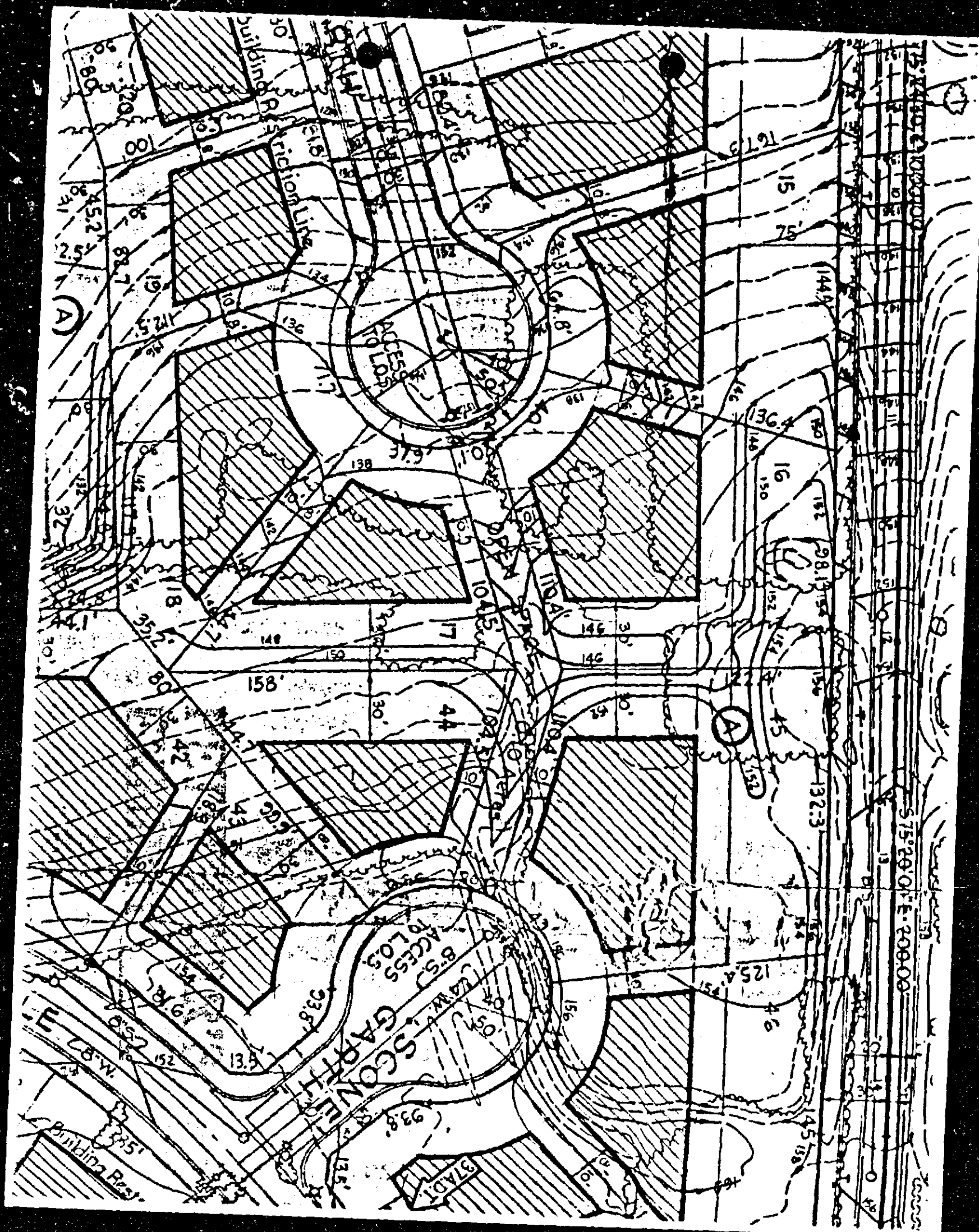
Re: Petition for Zoning Variance  
Case number: 88-401-A  
NE/S Bothwell Garth, 430' NE Shoreham Court  
(12 Bothwell Garth)  
11th Election District - 5th Councilmanic District  
Petitioner(s): James and Betsy Rojahn  
HEARING SCHEDULED: WEDNESDAY, APRIL 13, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Rojahn:  
Please be advised that 4/13/88 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 50578  
DATE 4/1/88 ACCOUNT 21-615  
AMOUNT \$ 12.00  
RECEIVED FROM [Signature]  
FOR Payment of Zoning Variance  
VALIDATION OR SIGNATURE OF CASHIER  
NAME, ADDRESS AND PHONE NUMBER OF LEGAL OWNER, CONTRACT PURCHASER OR REPRESENTATIVE TO BE CONTACTED





# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commission  
Date: April 1, 1988  
P. David Fields  
FROM: Director of Planning and Zoning  
Zoning Petition Nos. 88-401-A,  
88-415-A, 88-418-A, 88-430-A,  
88-431-SPHA, 88-435-A, 88-433-A  
SUBJECT: 88-431-SPHA, 88-435-A, 88-433-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Haines  
P. David Fields  
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
APR 6 1988  
ZONING OFFICE

cc: James Rojahn, et ux  
4/6/88 JF

CPS-008

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE March 31, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. James Rojahn  
12 Bothwell Garth  
Perry Hall, Maryland 21236

Item No. 243 - Case No. 88-401-A  
Petitioners: James and Betsy Rojahn  
Petitions for Zoning Variance

Dear Mr. & Mrs. Rojahn:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:cer

Enclosures

88-401-A

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
1st day of February, 1988.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner James and Betsy Rojahn  
Petitioner's Attorney  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

January 12, 1988

Re: Property Owner: James Rojahn, et ux

Location: NE/S Bothwell Garth, 430' NE Shoreham Ct.

Item No.: 243

Zoning Agenda: Meeting of 1/19/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. Kelly 1-12-88 Noted and Approved: John F. O'Neill  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 406  
Towson, Maryland 21204  
494-3554

February 18, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 242, 243, 244 and 245.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/jml-b



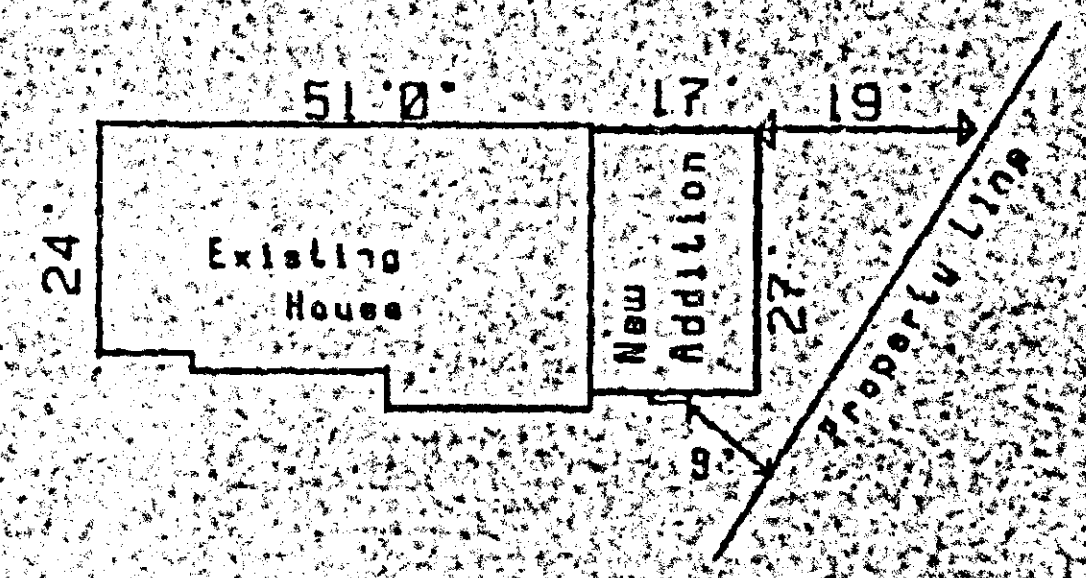
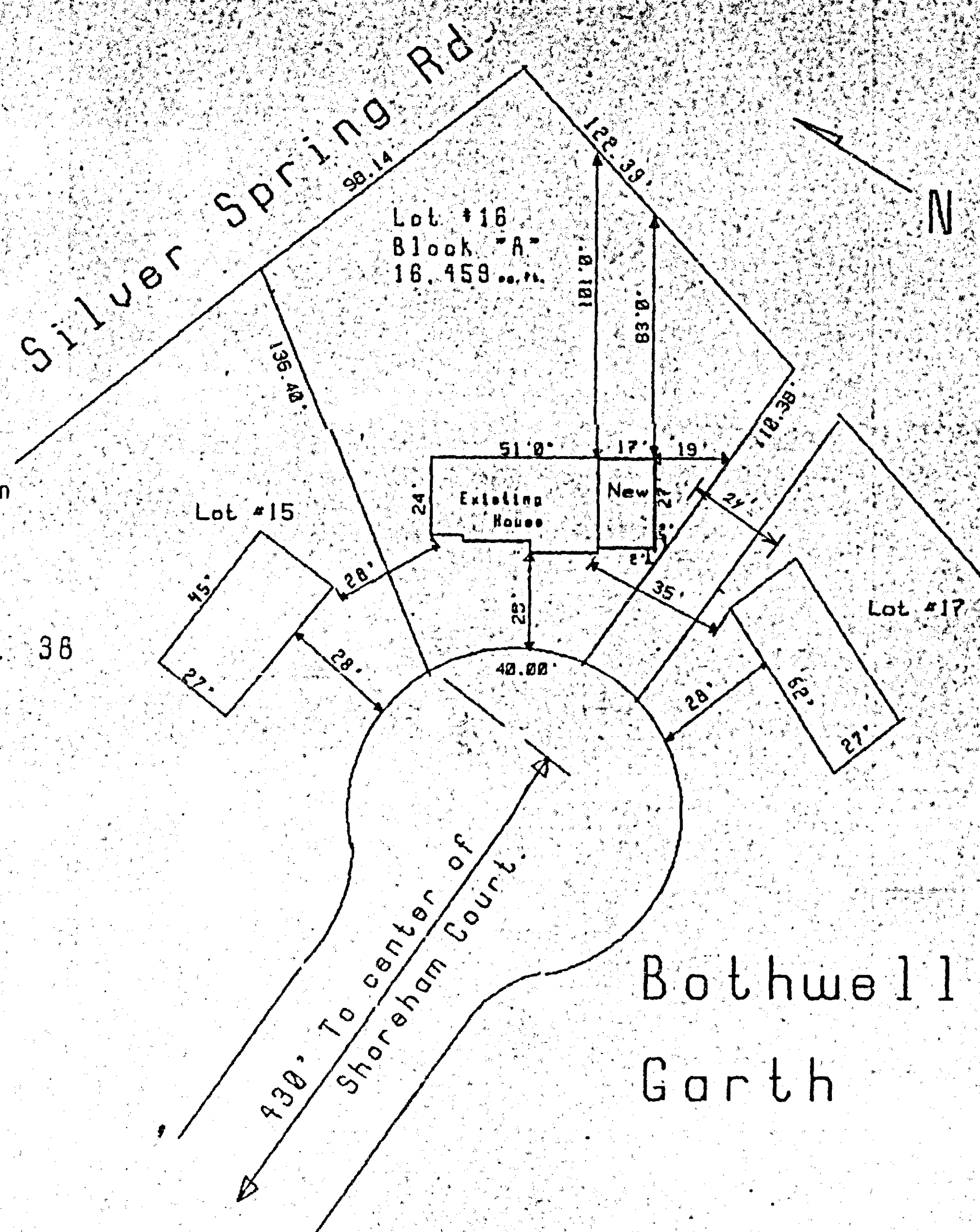
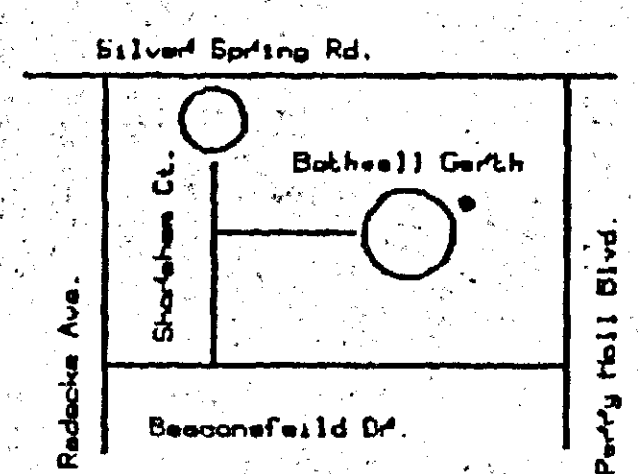
Rojh5

Scale 1" = 30'

Plot For Zoning Variance  
 Owner=James & Betsy  
 Rojahn.  
 District = 11  
 Sub Division = Nottingham  
 Village.

Lot #16 Block "A"  
 Book EHKJR, Folio 49, No. 38  
 ZONED = DR16

Vicinity Map



Detail of  
 window location  
 to property line.

243

PETITION  
 EXHIBIT 1

S. R. BOWEN.		
Scale 1" = 30'	APPROVED BY:	PLANNED BY S. BOWEN
Date 12-28-87		REVISED
PLOT PLAN		
DATE PREPARED		